

MINUTES

269th Meeting Contractors' Registration and Licensing Board April 11, 2012

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:35 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. David Caldwell and seconded by Mr. Steve Gianlorenzo.

(C) The minutes of the 268th meeting were approved on a motion by Mr. David Caldwell and seconded by Mr. Paul Brunetti.

(D) Court Case Update:

April 2012 - Court Ordered Restitution/Fines:

Contactor	Claim/File	Fines	Restitution	Complainant
Downing	7254	tbd	2,725	Fortini
Beattie	7205	100	775	Day

Totals: Fines \$100 Restitution \$3,500

TOTAL: \$3,600.00

April 2012 - Funds Received Via AG's Office:

Contactor Claim/File Fines Restitution Complainant

Mercurio 3467 - 200 Evans

Iarossi, P 5476 - 2,226 Bostic

Iarossi, P 6046 - 10,860 Jarvie, C

Iarossi, P 6047 - 3,936 Jarvie, W

Psilopolous 7252 500 18,000 Haab

Tougas 6748 - 80 Oxx

Totals: Fines \$500 Restitution \$35,302

TOTAL: \$35,802.00

Picked Up/Surrendered on Warrants:

Warrants Issued:

Ferrara, Roland Reg. # 32356 9 Yale Ave, Apt 2, Providence, RI

(E) Review of Pending Issues with the Building Officials Association

1.) The Building Officials Association appointed three members to serve as a communication link between their Association and the Board; they are:

Stan Pikul, Chuck Phelps and David Rodio. All were in attendance at this meeting. A brief discussion transpired as to why this new

connection is so beneficial to the Board and to the Association. We will, on a monthly basis put this as an agenda item and discuss concerns expressed by the Association as well as pending issues and legislation which may be of interest.

(F) Consideration of Cases on Appeal and Oral Argument:

1.) 12:40 PM, Claim #7628; Registration #27275; James J. Ralbovsky; exceptions filed by the Contractors attorney Joseph Casele. The Board listened to the presentation of the exceptions filed by the attorney and questioned items provided in his letter. The major item of concern was that the estimate provided by the homeowner which was from an out of state contractor who had a properly register corporation filed with the Contractors' Registration and Licensing Board; however, the corporation was no longer a valid corporation as filed with the Rhode Island Secretary of States office. This concern by the Board was sufficient to consider remanding the matter back for reconsideration of the estimate provided. The homeowner presented his concerns as well as the investigator for the Board who testified as to his report which was part of the original record. After much discussion and consideration of all the evidence provided and listening to the Boards legal counsel and the executive director's concerns; a motion was made by Felix Carlone and seconded by William Nash to remand this matter back for one specific issue; that being, reconsideration of the damages and estimate submitted. New estimates could be provided to the hearing

officer for his consideration and all other information provided at the previous hearing would be the same. After further discussion the motion was called by the chair and the motion passed unanimously.

2.) 1:00 PM, Claim #7645; Registration #27042; TK Framing LLC; Keith Correia; exceptions filed by the Homeowner Andrew and Linda Capistrone. Both parties were in attendance and case was presented by the Capistrone. A very detailed and well written document was presented to the Board by the Claimants. Concerns were expressed by a number of the Board members that this project was being subcontracted and the homeowners were assuming the role of a general contractor. Members of the Board felt that with this role there are many responsibilities. Indeed, this is a great way to save money but you have to coordinate all the trades and review all the work being performed. The homeowners expressed their concerns regarding the behavior of the contractor hired and work being performed. After much discussion the contractor presented his case and concerns to the Board. Upon review of the testimony, file and evidence put forth a motion was made by Edgar Ladouceur and seconded by J.L. Brillion and William Nash to uphold the decision rendered by the hearing officer. After more discussion the motion was called for a vote and passed unanimously. Therefore the following order will be issued. The Board at its April 11, 2012 meeting heard the exceptions filed by the Claimant and elected to uphold the decision rendered by the hearing officer. Giving ample and sufficient

time for both parties to present their case: after a complete and thorough review of the file and record, the Board has determined that the evidence and testimony presented was not substantial enough to render a decision against the RESPONDENT, Keith Correia, TK Framing LLC., Registration #27042. Clearly, the RESPONDENT had the ability and experience to complete and correct all work found to be incomplete or deficient. The CLAIMANT, Andrew and Linda Capistrone reduced the Board's authority by hiring another contractor to complete the work. The RESPONDENT, by not signing the waiver to give up their right to a trial by jury prevented the Board from awarding the CLAIMANT a monetary settlement. Therefore; the Board will not be imposing any fines or issuing any violations nor will any action be taken against the RESPONDENT'S registration at this time. The CLAIMANT'S request for the Rhode Island Contractors' Registration and Licensing Board to take any action against the RESPONDENT'S registration has been denied; however; if this matter is pursued through the courts and a favorable judgment is rendered to the CLAIMANTS; if within thirty days (30) the Board receives this judgment, an Administrative hearing can be scheduled to act on the contractors registration and assess appropriate fines.

3.) 1:15 PM, Claim #7677: Registration #33357; Foley Masonry and Construction, Sean Foley; exceptions filed by the Contractor. This matter was continued until next month for consideration because of a conflict with the court schedule of the filing attorney.

4.) 1:20 PM, Request of reinstatement of Revoked Registration #24346 by the Board, Patrick Iarossi, I.C. Building Corp. LLC. Mr. Iarossi presented his case before the Board and explained that he had resolved all the outstanding issues he had with the Board via the court and paid all the parties in full. He explained that he had been involved with his brother and took on the responsibilities of the claims because his brother failed to fulfill the contracts entered into together. After much discussion and some concerns expressed by the Board a motion was made by Felix Carlone seconded by J. L. Brillion to conditionally issue a provisional registration #24346 for a period of six (6) months. If during this time frame any valid claims are filed with the Board the registration would be suspended. This matter will be put on the October 10, 2012 agenda for the Board to revisit and make modifications if deemed necessary. Motion was called by the chair and carried unanimously.

5.) 1:30 PM, Review by Board of the reinstatement of Registration #26752, Glenn Dufault, Elite Fence. This matter was reviewed by the Board pursuant to conditions put on this contractor at last month's meeting. Mr. Dufault never showed to renew his registration or obtain the necessary insurance as required to get registered. Mr. Dufault explained to the Board he didn't have the resources to get registered. At the request of the Board from last month the Board's legal counsel delved into the outstanding charges filed against this contractor and having spoken with probation officer presented documentation to the Board that only a small portion of the restitution owed to the

claimants had been paid to date. This amount less than \$1,000.00 over several years did not seem to be a reasonable amount when considering the amount owed to the parties. One of the Board members Ron Caniglia

expressed concerns that some people should not be in the free enterprise but should be workers to obtain the knowledge and business skills necessary to operate a company properly including the financial backing necessary to assure company can function properly. In reviewing this case again and finding out that Mr. Default never did what he was directed to do by the Board last month, he made a motion to Deny reissuing the Revoked registration at this time and try to fine another fence company who he can work for as an employee to obtain managerial and accounting skills. Motion was seconded by Dave Caldwell and upon more discussion the motion was moved by the chair and it was unanimously agreed that the registration should remain Revoked.

6.) 1:40 PM, Review by Board of the reinstatement of Registration #13667, Joseph Faria.

Mr. Faria's attorney had sent notice to the executive director of his inability to attend the meeting but said his client could speak for himself in regard to his reinstatement. Mr. Faria did obtain the registration and insurance required as directed by the Board. Currently he did not have any signed contracts but his attorney will provide them to the Board as he gets contracts. Documentation was provided by legal counsel as requested by the Board of the

settlements and payments made from the court cases filed by the Board. All outstanding matters involving monetary decisions to claimants have been paid in full and fines are in the process of being resolved. A motion was made by J.L. Brillion and seconded by Felix Carlone to extend this probation period for six (6) months and review at the October 10, 2012 Board meeting; understanding that reissuance is conditional and if any valid claims are received by the Board registration could be suspended. Motion was called and passed on unanimous consent.

EXPUNGEMENTS:

1.) 1:45 PM, registration # 16109; New England Rest & Const LLC., Thomas Horlbogen, request to expunge insurance violation #5327 #1. Motion by Felix Carlone second by Edgar Ladouceur to deny was unanimously passed when contractor failed to show.

2.) 1:50 PM, registration # 16894, Mario Amaral request to expunge file # 7333-1, 2, & 3; two insurance violations and AAR; Action Against Registration pending. This matter was continued until next month at request of the party.

3.) 2:00 PM, registration #22247, Scott Builders, Daniel Scott, request to expunge claim #7660. Mr. Scott presented his request and evidence regarding this claim to the Board. Upon review a motion

was made by Felix Carlone seconded by Steve Gianlorenzo to remove record. Motion carried unanimously.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 04/11//2012

Registrations:

Number of Registered Contractors	11585
Number of Cards Surrendered	5740
Number of Cards Expired/Lapsed	16302
Number of Cards Invalidated	1113
Number of Cards Suspended	493
Number of Cards Revoked	103

Registration Actions

03/14/2012-04/11/2012

Number of New Registered Contractors	90
Number of Renewed Contractors	11495
Number of Cards Surrendered	72
Registrations Invalidated	88
Registrations Suspended	2
Registrations Revoked	2

Claims:

Administrative Appeals

4

Board Appeals	1		
Address Trace	89		
Awaiting Further Action		31	
		Court	
	626		
Disposed			6348
Final Orders	44		
Hearings	35		
Out of State Services	8	Proposed Orders	111
Under Investigation			88

Total Claims Filed with the Board	7385
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Number of New Claims Processed	8
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03/14/2012-04/11/2012

Violations:

Action Against Registration	34
Advertising	3
Non-Registered Subcontractors	
18	
Cancelled Insurance	1093
Notice of Hearing	4
Non-Registered Contractor	

TOTAL RECORDS**1973****Number of New Violations 101****02/08/2012-03/14/2012****Lapsed Registrations/Never Re-Newed:**

March	2011
75	
April	2011
91	
May	2011
77	
June	2011
88	
July	2011
57	
August	2011
78	
September	2011
102	
October	2011
80	

November	2011
86	
December	2011
88	
January	2012
77	
February	2012
92	
March	2012
177	
April	2012
2	

Month	# Tickets Issued
Fines	
2011	
January	0
\$00.00	
February	1
\$250.00	
March	1
\$550.00	
April	2
\$1,000.00	
May	3
\$800.00	

June	3
\$1,500.00	
July	5
\$2,000.00	
August	0
\$ 00.00	
September	1
\$250	
October	2
\$750	
November	5
\$2,250.00	
December	0
\$00.00	
2012	
January	0
\$00.00	
February	1
\$50.00	
March	2
\$200.00	
April	0

Commercial Roofers: 04/11//2012

Number registered 136

Number surrendered	18
Number invalidated	60
Number suspended	1
Number revoked	0
Pending approval	0

Registration Actions; 03/14/2012-04/11/2012

Number of New Registered Contractors	0
Number of Renewed Roofer Contractors	136
Number of Cards Surrendered	0
Number of Expired/Lapsed	3
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

(H) Old Business:

(1.) Review of regulations, laws and standards, established by sub-committee,
report of committees and progress. No meetings have been held yet on this matter and no further progress. Legal Counsel and the Executive Director will meet to review these standards further and then bring modifications to sub-committee for discussion when time permits. Work has been preceding with the education requirements and hopefully a review by the sub-committee will happen soon.

(I) New Business:

(1.) Budget: Funds need to be utilized to purchase two new card machines and to be used with the new software to be ready for picture identification cards; this will need to take place soon if we are to implement the Home Inspectors and Commercial Roofers Licensing requirements.

Currently \$1,046,890.92 is in the Boards restricted receipt account as of April 2012.

(2.) Computer Software Program Update on Progress (DBR), CAVU; Board has been proceeding and making progress. Projected date because of data transfers may be later than expected July or August of this year.

(3.) Retention Schedule; Legal counsel discussed with the Board some possible modifications to the schedule which will be given more consideration in

the near future with the changes to the rules and regulations.

(4.) The Board was advised that the position of licensing aide position was

approved by the Director of Administration interviews conducted and

pending final approval.

(5.) Legislation; Home Inspector legislation was submitted, as well as moving

the well drillers to this agency. Several other bills have also been filed

which will need to be reviewed so position papers can be properly filed.

Board did review H-7995 expanding powers of the Board to include action

on other issues but would not be able to impose fines. After some

discussion on this matter a motion was made by Felix Carlone and

seconded by Edgar Ladouceur to favor this legislation and to submit a

position paper on this matter because of the inability to fine contractor

after a hearing on these matters. Motion carried unanimously.

(6.) Education: Staff has been working with the Rhode Island Builders Association in developing criteria for continuing education as well as possible classes which is almost ready for discussion with the subcommittee and being prepared for public hearing. A meeting will need to be scheduled soon to discuss this matter with the subcommittee.

(7.) NASCLA: Meeting of Board of Directors and Executive Board is scheduled for this month in Orlando Fl.

(8.) Request for Proposal: The Board working with the Department of Labor was included in an RFP to seek testing companies to provide the RICRLB with an avenue to test Home Inspectors and Commercial Roofers Selection was put on hold by the Department of Labor for further review and hopefully will get final approval in the very near future. This will be necessary to implement the Home Inspection Program and Commercial

Roofers program. This matter is still pending and will need to be addressed soon so programs can be implemented.

(9.) Home Show took place and was a great way of educating contractors and

consumers. The Building Officials Organization booth which was situated

next to the Boards was a great idea and seemed to work out very well.

Thank you for all that assisted in making this a great success and taking

time out of your busy schedule.

(J) Public Comment: None

(K) Announcements: The next Board meeting is scheduled for Wednesday

May 09, 2012 at 12:30 PM Conference Room

“A”, 2nd

Floor, One Capitol Hill, Providence, Rhode Island.

(L) Adjournment: A motion was made by Mr. William Nash and seconded by Mr.

J.L. Brillion to adjourn at 3:35 PM.

Members Present: Paul Brunetti, R.Caniglia, W. Nash, David Caldwell, Martin Ezeama, William Geddes, Felix Carlone, S.Gianlorenzo E. Ladouceur, Steven Carlino and J. Lawrence Brillon.

Members Absent: E. Anderson, who resigned from the Board, R. Cardoza, A. Salibury and T. Furey.

Others Present: George Whalen (Executive Director), Christy Hetherington (Attorney Generals Office, legal counsel), stenographer, staff and parties for motions and expungements.

Respectfully Submitted,

**George W. Whalen
Executive Director
Rhode Island Contractors' Registration and Licensing Board**